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Mines - Mica - Mica Mines - [illegible]
Fund Act - The Mica Mines Labour Welfare
Fund (Bihar and Madras) Rules 1946 &
Constitution of the Advisory Committee -

Government of Madras
Abstract.

Mines - Minca Labour - Mica Mines Labour Welfare Fund Rules,48 Government of India Notifications Republished.

G.O.Ms.No.266 Development Department 20th January,1948

From the Government of India, Ministry of Labour
No.LW. 5(8) dated 10-1-1946.

The notifications of the Government of India in the Ministry of Labour No. LMW 5(8)/46dated 2-1-1948 and No.M.W.5(8)/46-I dated 8-1-1948 will be republished in the Fort St. George Gazette.

K.G.Menon,
Secretary to Government.

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Government of India
Ministry of Labour.

NOTIFICATION.

Dated New Delhi, the 8th January,1948

No.LMW.8(8)/46-1-In exercise of the powers conferred by section 5 of the Mica Mines Labour Welfare Fund Act,1946 (No.XXII of 1946) read with clause (a) of sub-rule (1) of rule 3 of the Mica Mines Labour Welfare Fund (Bihar and Madras) Rules, 1948, the Central Government is pleased to appoint Rai Bahadur B.N. Singh, O.B.E., Coal Mine Welfare Commissioner, Dhanbad, as the Welfare Commissioner under the said rules.

S.C.Aggarwal
Deputy Secretary to the Govt.of India

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Government of India
Ministry of Labour

NOTIFICATION

Dated the 2nd January, 1948.

No. LWW(8)/46. In exercise of the powers conferred by section 6 of the Mica Mines Labour Welfare Fund, Act, 1946, (XXII of 1946) the Central Government is pleased to make the following rules namely:-

1) Short title and extent: (1) (1) These rules may be called the Mica Mines Labour Welfare Fund (Bihar and Madras) Rules, 1948.

2) They extend to the Provinces of Bihar and Madras.

2. Definitions: In these rules, unless there is anything repugnant in the subject or context.

(1) " the Act" means the Mica Mines Labour Welfare Fund Act, 1946.

B/Pmj 1/2/54

(2) "Advisory Committee" means the Advisory Committee constituted under section 4 of the Act:

(3) Member means a member of the Advisory Committee present in India.

3. Composition of Advisory Committees: (a) The Committee for the Province of Bihar shall consist of the following members, namely:

(i) An Officer to be appointed by the Central Government called the welfare Commissioner.

(ii) The Mica Controller, Bihar.

(iii) The Commissioner of Labour, Bihar.

(iv) A Member of the Bihar Legislative Council or Assembly nominated by the Central Government on the recommendation of the Government of Bihar.

(v) Three persons nominated by the Central Government in consultation with the associations, if any, representing mica mines owners of Bihar;

(vi) Three persons nominated by the Central Government to represent the interests of workmen employed in the mica mining industry of Bihar.

(vii) A woman nominated by the Central Government on the recommendation of the Government of Bihar, if no woman has been nominated under clause (vi).

(b) The Welfare Commissioner shall be the Chairman of the Advisory Committee for the Province of Bihar and the Vice [redacted] Chairman of the Committee shall be appointed by the Central Government from among the other members.

(2) (a) The Advisorhy Committees for the Province of Madras shall consist of the following members, namely:-

(i) The Collector of Nellore;

(ii) The President of the District Board, Nellore.

(iii) A member of the Madras Legislative Council or Assembly nominated by the Central Government on the recommendation of the Government of Madras.

(iv) Two persons nominated by the Central Government, in consultation with the associations, if any, representing [redacted] mica mine owners of Madras;

(v) Two persons nominated by the Central Government to represent the interests of workmen employed in the mica mining industry of Madras;

(vi) A women nominated by the Central Government on the recommendation of the Government of Madras, if no woman has been nominated under clause (v).

(b) the Collector of Nellore shall be the Chairman of the Advisory Committee for the Province of Madras and the Vice Chairman of the Committee shall be appointed by the Central Government from among the other members.

4. Terms of Office (1) A nominated member shall, unless he resigns his office or dies at an earlier date, hold office for a period of 3 years from the date of the notification appointing him a member of the Advisory Committee and shall be eligible for renomination;

Provided that an outgoing member may continue in office until the appointment of his sucessor is notified in the Gazette of India.

(2) A member nominated to fill a casual vacancy shall hold office for as long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

5. Power to co-opt (1) The Advisory Committee say, at any time and for such period as it thinks fit co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-rule (1) shall exercise all the powers and functions of a member under these rules, but shall not be entitled to vote.

6. Resignation: A non-official nominated member may resign his office by letter addressed to the Chairman.

7. Absence from India: (1) Before a non-official nominated members leaves India.

(a) he shall intimate to the Chairman the date of his departure from and the date of his expected return to India, or

(b) if he intends to be absent from India for a period longer than six months he shall tender his resignation.

(2) If any nominated member leaves India without taking action as required by sub-rule (1) he shall be deemed to have resigned with effect from the date of his departure from India.

8. Vacation of office A nominated member shall be deemed to have vacated his office.

a) If he becomes insolvent or
b) if he is convicted of any offence which in the opinion of the Central Government involves moral turpitude; or
c) if he is absent from meetings of the Advisory Committee for three consecutive meetings without leave of absence from the Chairman; or
d) if, in the opinion of the Central Government, it is undesirable that he should continue to be a member of the Committee.

(2) "Advisory Committee" means the Advisory Committee constituted under section 4 of the Act:

(3) Member means a member of the Advisory Committee present in India.

3. Composition of Advisory Committees: (a) The Committee for the Province of Bihar shall consist of the following members, namely:

(i) An Officer to be appointed by the Central Government called the welfare Commissioner.

(ii) The Mica Controller, Bihar.

(iii) The Commissioner of Labour, Bihar.

(iv) A Member of the Bihar Legislative Council or Assembly nominated by the Central Government on the recommendation of the Government of Bihar.

(v) Three persons nominated by the Central Government in consultation with the associations, if any, representing mica mines owners of Bihar;

(vi) Three persons nominated by the Central Government to represent the interests of workmen employed in the mica mining industry of Bihar.

(vii) A woman nominated by the Central Government on the recommendation of the Government of Bihar, if no woman has been nominated under clause (vi).

(b) The Welfare Commissioner shall be the Chairman of the Advisory Committee for the Province of Bihar and the Vice Chairman of the Committee shall be appointed by the Central Government from among the other members.

(2) (a) The Advisorhy Committees for the Province of Madras shall consist of the following members, namely:-

(i) The Collector of Nellore;

(ii) The President of the District Board, Nellore.

(iii) A member of the Madras Legislative Council or Assembly nominated by the Central Government on the recommendation of the Government of Madras.

(iv) Two persons nominated by the Central Government, in consultation with the associations, if any, representing mica mine owners of Madras;

(v) Two persons nominated by the Central Government to represent the interests of workmen employed in the mica mining industry of Madras;

(vi) A women nominated by the Central Government on the recommendation of the Government of Madras, if no woman has been nominated under clause (v).

9. Disposal of business: (1) Every question which the Advisory Committee is required to take into consideration shall be considered either at a meeting or if the Chairman so directs, by sending the necessary papers to every members for opinion.

(2) When a question is referred to the Advisory Committee for opinion, any member may request that the question be considered at a meeting and thereupon the Chairman may, and if the request is made by five or more members shall, direct that it be so considered.

10. Time and place of meetings: The Advisory Committee shall meet at such places and times as may be appointed by the Chairman.

11. Remuneration of members: Each hon-official member, including a non-official member co-opted under rule 5, shall paid an allowance of Rs.10/- for each meeting of the Advisory Committee or Finance Sub-Committee attended tby him, subject to a maximum of Rs.30/- for any one calendar month, and his travelling expenses subject to the condition that they shall not exceed the rates admissible to Central Government servants of the first grade for a journey on tour. Where the journey is performed entirely by road, mileage at the rates admissible to Central Government servants of the first grade shall be paid subject to the condition of furnishing a certificate to the effect that the journey was undertaken by road to avoid loss of time which the journey by rail would have entailed and subject also to the condition that the distance travelled did not exceed 75 miles in a single journey.

12. Notice of meetings and list of business: (1) Notice of not less than 15 days from the date of posting shall be given to every member of the time and place fixed for each ordinary meeting, and every member shall be furnished with a list of business to be considered at the meeting.

Provided that when an emergency meeting is called by the Chairman such notice shall not be necessary.

(2) No business which is not on the list shall be considered at a meeting without the permission of the Chairman.

13. Advisory Committee to be informed of expenditure: A memorandum detailing any grants made or expenditure incurred from the Fund since the last meeting shall be laid before each meeting of the Advisory Committee.

14. Other matters to be considered by Advisory Committee: The Advisory Committee shall, besides carrying out its statutory duties consider and advise upon any matter concerning these rules referred to it by the Central or Provincial Government for advice.

(2) The Advisory Committee shall also consider the budget and any matter that may be laid before it by the Chairman. It shall be obligatory on the Chairman to place before the Advisory Committee any matter at the request of not less than five members.

15. Presiding at meetings: The Chairman shall preside at every meeting at which he is present and in his absence the Vice-Chairman shall preside.

16. Quorum: No business shall be transacted at a meeting of the Advisory Committee whether an ordinary or emergency meeting unless at last three members having the right to vote are present of whom the Chairman or Vice-Chairman shall be one.

Provided that if at any meeting less than three such members attended, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and notifying other members that he proposes to dispose of the business at the adjourned meeting whether there is a quorum or not and it shall thereupon be lawful ti dispose of the business at the adjourned meeting irrespective of the number of members attending it.

17. Recommendation by majority: (1) Every question at a meeting of the Advisory Committee shall be decided by a majority of votes of the members present and voting but the minority shall in all cases have the right of requiring their dissent to be noted.

(2) Every question referred to the members for opinion shall, unless the Chairman in pursuance of sub-rule (2) of rule 9 reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority recording opinion within the time allowed.

(3) In the case of an equal division of votes or opinions the Chairman shall give an additional vote or opinion.

18. Minutes of meetings (1) The proceedings of each meeting of the Advisory Committee shall be circulated to all members and thereafter recorded in a minute book, which shall be kept for permanent record.

(2) The record of the proceedings of each meeting shall be signed by the Chairman or Vice-Chairman, as the case may be.

19. Headquarters of the Advisory Committee: (1) The headquarters of the Advisory Committee for the Province of Bihar shall be at such place as may be fixed by the Central Government and of the Advisory Committee for the Province of Madras at such place as may be fixed by the Government of Madras.

(2) The Chairman, Vice-Chairman and Secretary of the Advisory Committee shall be the executive of the Committee and exercise the executive functions of the Committee on behalf of the Committee.

20. Staff of the Advisory Committee: (1) Subject to the budget provision, and the provision of rule 24, the Chairman of each Advisory Committee may appoint technical and secretarial staff including a Secretary (who shall ordinarily be a whole-time officer paid from the Fund) to assist him in carrying out his duties, may fix the scale of establishment and the salaries and allowances and determine under conditions of service of officers and servants employed by him including the security to be taken from them.

Provided that the creation of a post carrying a salary exceeding Rs.100 per month for more than six months and appoint thereto shall require, the previous sanction of the Central Government.

Provided further that the scales of pay of servents appointed by the Chairman under this sub-rule shall be in accordance with the scale sanctioned by the Central Government for similar posts.

(2) Persons appointed by the Chairman and paid from the Fund shall not be deemed to be Government serfants notwithstanding that the Central Government may direct that any service rules applicable to Government servants may apply with or without modifications to such persons.

(3) TheChairman may authorise the technical and secreterial staff to give technical and secretarial assistence to the Finance Sub-Committee or to any other authority exercising advisory functions in connection with the Act or to any person or authority expendingn grants obtained from the Fund.

21. Finance Sub Committee: 1) The Advisory Committee shall elect from among its members four persons, of whom two shall be persons representing mica mine owners and two representing mica mine worker to be a Finance Sub Committee of which the Vice-Chairman of the Advisory Committee who shall be an additional member shall be the President.

(2) The Advisory Committee may at any time co-opt persons to the Finance Sub-Committee and a person co-opted shall exercise all the powers and functions of a member of such sub-committee but shall not be entitled to vote and shall not solely by reason of being so co-opted be a member of the Advisory Committee.

(3) Notice of every meeting to the Finance Sub-Committee shall be sent to the Chairman of the Advisory Committee who may attend such meeting if he so desires, and if he does so attend, he shall notwithstanding anything in sub-rule (1) preside and shall be entitled to vote.

(4) The meetings and proceedings of the Finance Sub-Committee shall be governed by the provisions herein contained for regulating the meetings and proceedings of the Advisory Committee in so far as the same are applicable thereto.

22. Duties of the Finance Sub Committees: The duties of the Finance Sub Committee shall be to frame schemes of expenditure to advise on the budget drawn up by the executive of the Advisory Committee and on the accounts of the Advisory Committee and also in regard to all expenditure debitable to the Fund, and to consider all schemes referred to in proviso (ii) to rule 24.

23. Budget. (1) The annual budget of the Fund as prepared by the executive of the Committee shall be considered by the Advisory Committee in January of each year. The budget as approved by the Advisory Committee shall be submitted for sanction to the CentralGovernment, which may make such alterations therein as it considers suitable.

Provided that the Advisory Committee for Madras shall submit its budget to the Central Government through the Government of Madras.

(2) The budget to be forwarded to the Central Government shall be accompanied by detailed self-contained notes explaining any new schemes included therein.

24. Schemes of expenditure: (1) The sanction of the Central Government to the budget shall, if no specific mention is made to the contrary be deemed to include sanction to expenditure on all the schemes, included in the budget.

(2) The Chairman shall have power, subject to the provision in the sanctioned budget to incur expenditure on administrative staff and welfare schemes:

Provided:

(i) that he shall have no power to sanction any scheme not included in the budget and involving a non-recurring expenditure exceeding Rs.10,000 or a recurring cost exceeding Rs.1,000 a year; and

(ii) that any new scheme within these limits shall require the approval of the Finance Sub Committee before any expenditure on it is incurred.

25. Distribution of cess: The Proceeds of the cess available for distribution shall be distributed by the Central Government among mica producing areas in proportio to their production or in such manner as may be decided in consultation with the Governments of these areas.

26. Credit to the Fund: (1) The total amount of cess collected shall, after deduction of such percentage towards the cost of collection as the Central Government may fix by notification in the official gazette, be credited to the Central Revenues as soon as possible after the close of the financial year by such officer as theCentral Government may appoint in this behalf.

(2) An amount equivalent to the amount of cess credit to the Central Revenues under sub-rule (1) shall be transferred to the Fund in a special account under the Central Government.

27. Refund and recovery of cess: Refund of cess erroneously levied or paid and recovery of cess short-levied or erroneously refunded shall be made in accordance with the provisionsof the Sea Customs Act, 1878, (VIII of 1878) and the rules made thereunder relating to refund, remission and recovery of customs-duties under that Act so far as the same may be applicable.

28. Conditions of grants to the Government of Madras.

(1) The Central Government shall furnish the Government of Madras not later than the 1st day of July each year with an estimate of the proceeds of the cess likely to be made available for expenditure during the following financial year in the province. The Government of Madras shall inform the Advisory Committee accordingly.

(2) The Government of Madras shall forward to the Central Government thebudget submitted by the Advisory Committee not later than the 1st day of October each year. The Central Government may sanction the budget with or without modifications.

(3) The Central Government may give general or specific directions to the Government of Madras for ensuring coordination and uniformity to thepreparation of welfare schemes and forproper administration thereof.

29. Statement of Accounts: The accounts of the Fund shall be maintained and audited in suchmanner and by such officers as may be approved by theCentral Government.

30. Statistical and other information to be furnished:

(1) The Miner, agent, or managerof a mica mine shall furnish such statistics or other information as the Central Government orany other person authorised by the Central Government in writing in this behalf may be written order require for the purposes of the Act, in such form or manner and within such time as may be specified in the order.

(2) Any owner, agent or manager of a mica mine who without reasonable excuse fails to furnish the statistical or other information as required under sub-rule (1) or furnishes statistical or other information containing a statement, entry or detail which is not to the best of his knowledge or belief true, shall be punishable with fine which may extend to five hundred rupees.

S.C. Aggarval,
Deputy Secretary to Government of India

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Copy of letter No. MS.406 dated 29th January,1948 from the Joint Secretary to Government, Madras to the Secretary t o the Government of India, Ministry of Labour, New Delhi

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Sub: Mines - Labour - Mica Mines labour welfare fund Administration of - Advisory committee - Names of the members of committee - communicated.

Ref:- Mr.N.C.Kuppuswamy's letter No.LW.5(8) dated 7-1

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With reference to the corresponence ending with the letter cited the Government of Madras suggest thefollowing names for the seats noted against each in the Advisory Committee forthis Province.

1) TheCollector of Nellore (Mr.S.A.Iyengar, I.C.S.)
2) The President of the District Board (T.Rama Reddi,Sudar Mahal, Nellore)
3) A non-official (M.L.A. or M.L.C) B.Venkatanarayana Reddi M.L.A.
4) A suitable woman member from the area: Miss M.L.Mary Gnaniah Naidu.
5) Two members nominated by the Mica Mines Owners' Associat
   i) B.Ramachandra Reddy,Buchireddyapalem,Nellore Dt.
   ii) N.Subba Reddy,Gudur, Nellore district
6) Two members nominated by Mica Mines Workers' Associatio
   i) R.Hanumantha Rao, Gudur, Nellore district
   ii) K.V.Narasimha Rao, Gudur, Nellore district.

2. I am also to suggest that Sri B.Venkatanarayana Redd may be nominated for the Vice Chairmanship of the Advisory Committee.

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